



Title: "Artificial Rock Fragrance Delivery System"  
Serial No. 09/779,175  
Attorney Docket No. P016937-01DV  
Responsive to Final Office Action Mailed May 21, 2003  
Date: August 19, 2003

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

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**AUG 21 2003**  
**TC 1700**

In re APPLICATION of:	Mosbaugh, James	)	
		)	
Serial No:	09/779,175	)	Group Art Unit: 1743
		)	
Filed:	02/08/2001	)	Examiner: Cole, Monique T.
		)	
For:	Artificial Rock Fragrance Delivery System	)	
		)	
Attorney Docket:	P991794-02UT	)	

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Mail Stop AF  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**RESPONSE AFTER FINAL OFFICE ACTION**

In response to the Final Office Action mailed May 21<sup>st</sup>, 2003, and discussions with the Examiner regarding possible amendment to the claims Applicant requests reconsideration of the above-referenced application in light of this response and amendment as stated in the following paragraphs.

The Examiner has continued to reject claims 7 and 9 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,149,474 issued to Rohatyn. The Examiner states that Rohatyn teaches a method of making glass that includes forming molds of an amorphous fused silica composition comprising similar materials and methods as this applicant claims.

Applicant agrees with the Examiner that one could read claims 7 and 9 as covering the material disclosed in Rohatyn. Clearly though these are two very different materials. The

Rohatyn material is a hard, compact silica composition that is used to make molds that are durable and nonporous enough to accept the molten glass that is poured into the molds to make specialty glass items such as stemware. On the other hand the material of this application is an extremely porous agglomeration of fused microspheres with tremendous interior surface area and very low density. This is clearly a very different material from the mold material of Rohatyn.

Recognizing the need to make it clear that the material of Applicant's invention and the Rohatyn material are very different materials Applicant has amended claim 7 below by adding an atomizing step and clarifying the drying step. These steps now show that a powder is formed as part of the atomizing and drying process which is more fully described in the preferred embodiment at paragraphs 26 and 27. This results in a very different material from the Rohatyn solid molds that are dried. The collecting steps have been removed from claim 7 as they are not necessary to make the material as claimed. Amended claim 7 is now in condition for allowance. Since claim 9 depends from claim 7, it should also now no longer be anticipated by Rohatyn. Since the rest of the claims are now dependent on an allowable claim, all the claims are in condition for allowance.

The amended claims in this important patent application are in fact drawn to a new, useful and nonobvious invention. Accordingly, Applicant respectfully submits that the invention as now claimed is clearly patentable over Rohatyn and claims 7 through 13 and claims 15 through 19 are in condition for allowance.